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15 UNITED STATES DISTRICT COURT
16
17 NORTHERN DISTRICT OF CALIFORNIA
18
19 SAN FRANCISCO DIVISION

20 COBALT PARTNERS, LP, et al.,)	Case No. 3:16-cv-02263-WHA
)	
Plaintiffs,)	STIPULATION AND PROPOSED
)	SCHEDULING ORDER
vs.)	
)	
21 SUNEDISON, INC., et al.,)	
)	
Defendants.)	
)	

24 [Caption continued on following page.]

1 GLENVIEW CAPITAL PARTNERS, L.P., et)
al.,)

2)
3 Plaintiffs,)

4 vs.)

5 SUNEDISON, INC., et al.,)

6 Defendants.)

7 OMEGA CAPITAL INVESTORS, L.P., et al.,)

8 Plaintiffs,)

9 vs.)

10 SUNEDISON, INC., et al.,)

11 Defendants.)

Case No. 3:16-cv-02264-WHA

Case No. 3:16-cv-02268-WHA

Pursuant to the Court's instruction during the August 18, 2016 hearing in the above-captioned actions, the parties, by and through their respective undersigned counsel of record, submit the following stipulation and proposed order:

WHEREAS, on March 28, 2016, the action captioned *Cobalt Partners, LP, et al. v. SunEdison, Inc., et al.* ("Cobalt") was filed in the Superior Court of California, San Mateo County;

WHEREAS, on March 29, 2016, the action captioned *Glenview Capital Partners, L.P., et al. v. SunEdison, Inc., et al.* ("Glenview") was filed in the Superior Court of California, San Mateo County;

WHEREAS, on March 30, 2016, the action captioned *Omega Capital Investors, L.P., et al. v. SunEdison, Inc., et al.* ("Omega") was filed in the Superior Court of California, San Mateo County;

WHEREAS, on April 26, 2016, defendants removed the *Cobalt*, *Glenview* and *Omega* actions to federal court;

WHEREAS, on August 12, 2016, defendants, pursuant to extensions of time previously agreed to by plaintiffs and granted by the Court, filed eight motions to dismiss the *Glenview* and *Omega* complaints and two joinders on a variety of grounds (*see Omega* Dkt. Nos. 118, 120, 121, 123, 125; *Glenview* Dkt. Nos. 129, 131, 133, 134, 136) (collectively, the "Motions");

WHEREAS, pursuant to N.D. Cal. Civ. L.R. 7-3, plaintiffs' responses to the Motions would be due by August 26, 2016, and defendants' replies would be due by September 2, 2016;

WHEREAS, the hearing on the Motions was set for September 22, 2016, a date on which plaintiffs' counsel is unavailable;

WHEREAS, in the *Cobalt* action, defendants' motion to dismiss is fully briefed, and on August 4, 2016, the Court entered an order postponing the hearing on the motion to dismiss until a date to be determined after resolution of the pending motions to remand and transfer;

WHEREAS, a hearing on motions to establish an MDL proceeding including the *Cobalt*, *Glenview* and *Omega* actions is set for September 29, 2016 in Washington D.C. and the hearing on motions to remand or transfer the *Terraform Global Inc. IPO* actions pending in front of Judge Freeman is set for October 6, 2016;

WHEREAS, due to the number and complexity of the issues raised in defendants' Motions and in light of other pending or anticipated filings in these actions, plaintiffs have requested additional time to prepare their responses to defendants' Motions; and

WHEREAS, the Court, at the August 18, 2016 hearing, said it would grant plaintiffs an additional two weeks and defendants an additional one week to submit their opposition and reply briefs on the Motions.

NOW THEREFORE, the parties hereby agree and stipulate to the following:

1. Plaintiffs' oppositions to the Motions shall be filed on or before September 9, 2016;
2. Defendants' replies in support of their Motions shall be filed on or before September 23, 2016; and
3. The hearing on the motions to dismiss in the *Cobalt*, *Glenview* and *Omega* actions shall be reset for October 13, 2016 or such other date as may be determined by the Court.

IT IS SO STIPULATED.

DATED: August 22, 2016

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* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 22, 2016.


THE HONORABLE WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE